

DOCKET NO. VERTE.032CPCCC1D**PATENT**

Serial No. 10/726,774

Response to Office Action of April 7, 2005

Remarks

Claims 1-11 are in the case.

Double Patenting Rejections

In paragraphs 1-2 of the Office Action, claims 5-8 and 10-11 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 34-35, and 37 of copending Application No. 10/760,596. Applicant will address any double patenting issues that arise at the appropriate time (i.e. after one of the applications issues as a patent). Thus, applicant believe that no action is necessary at this time.

Claim Rejections Under 35 U.S.C. § 112

In paragraphs 3-4 of the office Action, claims 1-11 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the term "generally horizontal" of claim 1 and 5 is asserted to be indefinite because "generally" cannot be used to negate the term which it modifies.

Accordingly, claims 1 and 5 are amended to replace the term "generally" with the more traditionally accepted patent term "substantially." *No new matter is added. Support can be found in original FIGS. 1, 6, 8, and 10.*

Claim Rejections Under 35 U.S.C. § 103

In paragraph 5 of the Office Action, claims 1-11 were rejected over JP '260. It is unclear whether the rejection is under 35 U.S.C. § 103 or 35 U.S.C. § 102. However, for purposes of this response, it is assumed that the rejection is an obviousness rejection under 35 U.S.C. § 103(b). If this assumption is incorrect, it is requested that the Examiner notify Applicant.

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In the Office Action, JP '260 is cited as disclosing "a method of cleaning a flat substrate comprising supporting the substrate, transmitting sonic energy to the substrate while flowing liquid onto both sides of the substrate to loosen particles as claimed." The Office Action acknowledges that JP '260 does not teach horizontal orientation but asserts that it would have been obvious for one skilled in the art "to use JP '260 to obtain the claimed process...because the substrate taught by JP '260, at some point during rotation, will be in a generally horizontal orientation."

While the Applicant agrees that cleaning a substrate with the system of JP '260 results in the substrate being in a horizontal orientation at some point during its rotation, claims 1 and 5 require more than this. Specifically, claims 1 and 5 require that the substrate be maintained in the horizontal orientation during the application of the sonic energy and/or cleaning fluid. This is clearly not shown or suggested in JP '260.

JP '260 discloses "a rotary cleaning apparatus" where the apparatus supports an article with a rotatable support shaft. During the application of cleaning liquid and sonic energy to the article using the JP '260 system, the article is in a constant end-over-end rotational motion as a result of the fluid being ejected on the article by the nozzles. See JP '260 Abstract. There is absolutely no mention or suggestion in JP '260 to maintain the article in a horizontal orientation during the application of the cleaning fluid and/or sonic energy, as is required by claims 1 and 5. In fact, the entire purpose of the JP '260 system is to disclose an ultrasonic - end-over-end rotary cleaning apparatus. See JP '260 Title. Moreover, if the JP '260 system was modified so that the article could not rotate in an end-over-end fashion during the jetting of the liquid from the nozzles, it is likely that the fluid forces would break and/or damage the delicate substrate. Thus, modifying the system of JP '260 to maintain the article in a substantially horizontal orientation during the application of the cleaning fluid and/or sonic energy is counter-intuitive to the entire nature of the JP '260 system and its intended functioning.

Accordingly the rejection of claims 1 and 5 over JP' 260 is improper and must be withdrawn.

It is believed that all grounds of rejection and objection have been traversed or obviated, and that the rejections and objection should be withdrawn, and the application allowed

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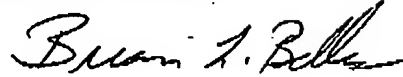
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Respectfully submitted,

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